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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/842,181      | 04/26/2001  | Yoshiyuki Mochizuki  | 2001_0501A          | 7249             |

513 7590 09/22/2004

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EXAMINER

SHERR, CRISTINA O

ART UNIT PAPER NUMBER

3621

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/842,181

Applicant(s)

MOCHIZUKI, YOSHIYUKI

Examiner

Cristina Owen Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This communication is in response to the amendment filed June 24, 2004.

Claims 1-16 have been canceled. Claims 17-27 have been newly added. Claims 17-27 are pending in this case.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on April 26, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

#### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fultz (US 6,021,371 A) in view of Behr et al (US 5,543,789A).

7. Regarding claims 17, 24, and 26 -

Fultz discloses an interactive navigation system that comprises a mobile apparatus and a server and carries out navigation by said mobile apparatus requesting said server to search for a route and said server transmitting a search result to said mobile apparatus, said mobile apparatus comprising: input means for inputting at least a destination; and first transmitter means for transmitting a packet including at least the destination inputted by said input means to said server, said server comprising: map data storage means for storing map data; first receiver means for receiving the packet transmitted by said first transmitter means; route search means for searching for the route based on the destination included in the packet received by said first receiver means and the map data stored in said map data storage means; map data selector means for selecting, from among the map data stored in said map data storage means, only map data including the route found by said route search means; billing means that holds a price list including unit prices for the map data stored in said map data storage means, for calculating an amount of charge for the map data selected by said map data selector means based on the price list, and generating billing information including at least the amount of charge; and second transmitter means for transmitting, to said mobile apparatus, a packet including at least the route found by said route search means, the map data selected by said map data selector means, and the billing information generated by said billing means (Col 3 In 32 - col 4 In 52).

8. Fultz does not disclose, but Behr does, route search means for searching for the route based on the destination included in the packet received by said first receiver means

and the map data stored in said map data storage means; map data selector means for selecting, from among the map data stored in said map data storage means, only map data including the route found by said route search means (e.g. col 12 ln 1-10).

9. Regarding claims 18, 25 -

Fultz discloses the interactive navigation system according to claim 1, wherein said mobile apparatus further comprises: second receiver means for receiving the packet transmitted by said second transmitter means; and route guide means for carrying out route guide based on the route included in the packet received by said second receiver means and the map data (col 5 ln 35-54).

10. Regarding claim 19, 26 -

Fultz discloses the interactive navigation system according to claim 1, wherein said mobile apparatus further comprises present position detector means for detecting a present position of the mobile apparatus, the packet transmitted by said first transmitter means further includes the present position detected by said present position detector means, and based on the present position and the destination included in the packet received by said first receiver means and the map data stored in said map data storage means, said route search means searches for the route from the present position and the destination (col 6 ln 7-26).

11. Regarding claim 20 -

Fultz discloses the interactive navigation system according to claim 1, wherein a starting point is inputted by said input means, the packet transmitted by said first transmitter means includes the starting point inputted by said input means, and based on the starting point

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and the destination included in the packet received by said first receiver means and the map data stored in said map data storage means, said route search means searches for the route from the starting point and the destination (col 6 ln 25-44).

12. Regarding claim 21 -

Fultz discloses the interactive navigation system according to claim 1, wherein said server further comprises related information storage means for storing related information relating to the map data stored in said map data storage means, the price list held by said billing means includes a unit price for the related information stored in said related information storage means, said billing means calculates an amount of charge for related information relating to the map data selected by said map data selector means, and adds the calculated amount of charge to said billing information, and the packet transmitted by said second transmitter means further includes the related information relating to the map data selected by said map data selector means (col 7 ln 1-24).

13. Regarding claim 22 -

Behr discloses an interactive navigation system, wherein said mobile apparatus further comprises presenter means for presenting the related information included in the packet received by said second receiver means (col 3 20-43).

14. Regarding claim 23 -

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Behr discloses an interactive navigation system, wherein the related information includes traffic jam information for roads in an area that corresponds to the map data, and said billing means calculates an amount of charge for the traffic jam information as the amount of charge for related information relating to the map data selected by said map data selector means (col 4 ln 5-19).

15. It would be obvious to one of ordinary skill in the art to combine the teachings of Fultz and Behr in order to obtain a more complete and more user-friendly navigation system.

16. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

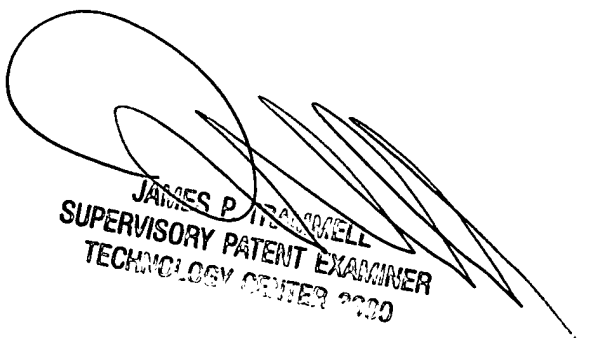
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

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18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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